THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 4506 of 2004

DATED: 09-08-2005

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K.T. Raidu.

..... PETITIONER

AND

The State of Andhra Pradesh,

Department of Higher Education,
rep., by its Principal Secretary,

Hyderabad & 3 others.

.....RESPONDENTS

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ORDER:

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This Writ Petition is filed to declare the action of the respondents, in not releasing the retirement benefits of the petitioner, i.e., Gratuity, Pension etc., as illegal and arbitrary and consequently to direct the respondents to pay the same with interest.

2. The case of the petitioner is that he was appointed as a Lecturer at VSR College, Tenali on 03-07-1957 and worked till
31-07-1968. Subsequently, he resigned the job and joined as a Senior Lecturer and Head of the Department of English in the 3rd respondent-RVVN College, Dharanikota, Amaravathi, Guntur District on 01-08-1968 and was promoted as Principal with effect from
09-09-1974. He was suspended by the 3rd respondent on16-06-1979, pending disciplinary enquiry. The 3rd respondent, after obtaining permission from the 1st respondent, through proceedings dated
11-08-1982, dismissed the petitioner from service. Aggrieved thereby, he filed an appeal before the 1st respondent-Government. Despite the orders, dated 15-07-1985, in W.P.No.11040 of 1984 of this Court, the 1st respondent confirmed the order

of dismissal of the petitioner. Thereafter, he filed W.P.No.3492 of 1990, challenging the order of dismissal. Pending consideration of the same, he attained the age of superannuation and ultimately this Court disposed of the said Writ Petition setting aside the order of dismissal, granting liberty to the 3rd respondent to proceed with fresh enquiry. It further ordered that payment of salary for the period from dismissal to superannuation would be dependent on the outcome of the fresh enquiry. Aggrieved thereby, the 3rd respondent filed W.A.No.173 of 1993 and the petitioner filed W.A.No.194 of 1993 and both the appeals were disposed of by a common judgment, dated

05-08-1994, confirming the judgment of the learned single Judge, directing the 1st and 3rd respondents herein to pay 50% of the salary to the petitioner for the period from dismissal to superannuation. Despite several representations made by the petitioner, the 1st and 3rd respondents have not taken any steps for settlement of the retirement benefits of the petitioner. Aggrieved by the same, the present Writ Petition has been preferred.

3. The learned counsel for the petitioner contended that the respondent has not released the retirement benefits, like gratuity, pension etc., to the petitioner. Therefore, he prays to direct the respondents to release the retirement benefits.

4. On the other hand, the learned Government Pleader for Higher Education contended that the 1st respondent has to take appropriate decision basing on the proceedings of the 1st respondent, dated 23-01-2004, with a request to the Government to issue appropriate orders for releasing the retirement benefits to the petitioner. So, unless the period of dismissal i.e. from 11-08-1982 to 31-08-1992 is regulated as per the fundamental rights, the petitioner cannot claim any pension for the said period. Since the proposals are pending with the 1st respondent, who is the competent authority to take appropriate decision, the Writ Petition can be disposed of directing him to take appropriate decision within two months from the date of receipt of a copy of this order. After taking such decision, the same shall be communicated to the 4th respondent.

5. With the above direction, the Writ Petition is disposed of.

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(K.C.BHANU,J)

9th August, 2005.

Note:

C.C. in three days.

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